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In re Application of :
Benno Tieke, et al. :
Application No. 10/501,429 : ON PETITION
Filed: July 13, 2004 :
Attorney Docket No. NL 030043 :

This is a decision in response to the petition under 37 CFR 1.137(b), filed August 12, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before August 4, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed May 2, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on August 5, 2008. A Notice of Abandonment was subsequently mailed on August 19, 2008.

Petitioner request that the application be revived for consideration of a Request for Continued Examination (RCE) under 37 CFR 1.114. However, in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply under 37 CFR 1.137(b) must be the payment of the issue fee or any outstanding balance thereof. Accordingly, the issue fees payment of \$1740 is being charged to counsel's deposit account as authorized.

The application is revived for consideration of a submission under 37 CFR 1.114 (request for continued examination).

Petitioner is advised that the issue fee paid in the above-identified application cannot be refunded. However, if the above-identified application is again allowed, petitioner may request that the issue fee paid on August 12, 2008, be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

The application file is being forwarded to Technology Center AU 2627 for further processing of the request for continued examination under 37 CFR 1.114 filed August 12, 2008.

Sherry D. Brinkley
Sherry D. Brinkley
Petitions Examiner
Office of Petitions